

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1980.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	November 26, 2002
DATE OF REPORT:	December 20, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	January 7, 2003

COMPLAINT ISSUES:

Whether the Rochester Community School Corporation and the Joint Educational Services in Special Education violated:

511 IAC 7-25-4 by failing to conduct an initial educational evaluation and convene a case conference committee (CCC) meeting within 60 instructional days of the date of the parent's written consent.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

FINDINGS OF FACT:

1. The student (Student) is 9 years old, attends the local elementary school (School), and is eligible for special education and related services as a student with a learning disability.
2. On February 8, 2002, the Student's physician requested that the school conduct an educational evaluation and an occupational therapy evaluation with the Student. The Complainant signed the Permission For Education Evaluation Form on February 15, 2002. The evaluation occurred on May 7, 2002, and the CCC convened on May 23, 2002. The 60 day timeline elapsed on May 22, 2002.
3. The Complainant stated that the CCC convened in October 2002, to assure that the Student's IEP was being implemented in the general education classroom. The Complainant continues to allege that the modifications required by the IEP are not being provided in the general education classroom. The general education classroom teacher stated that the Student is allowed to correct papers, retake tests, and have stories on tapes. Directions and questions are read to the class as a whole; however, the Student is allowed to have directions and questions repeated. The Student does not always need the modifications in the general education classroom.
4. On December 10, 2002, the CCC convened and developed an IEP with modifications to the general education program, and the Complainant signed in agreement.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the Complainant completed the Permission for Education Evaluation form on February 15, 2002. The 60-day timeline for completing the test and convening a CCC meeting

ended on May 22, 2002; however, the CCC did not convene until May 23, 2002. Therefore, there is a violation of 511 IAC 7-25-4.

2. Findings of Fact #3 and #4 indicate that the Student did not require modifications in the general education classroom all the time, but the student was not refused modifications when they were applicable or the Student requested them. Therefore, a violation of 511 IAC 7-27-7(a) is not found.

The Department of Education, Division of Exceptional Learners requires the following corrective action corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Rochester Community Schools and the Joint Educational Services in Special Education shall:

Send a memorandum to all school psychologists and teachers of record stating that initial evaluations must be conducted and the CCC convened within 60 instructional days of the date the parental consent is received. **A copy of the memorandum and a list of recipients shall be submitted to the Division no later than January 17, 2002.**